

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AGASI SIMONYAN,

Petitioner

v.

No. CV 10-331 LH/LAM

ERIC HOLDER, et al.

Respondents.

ORDER

THIS MATTER is before the Court on Petitioner's *Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241* (Doc. 1), filed on April 8, 2010. Pursuant to the rules governing habeas corpus proceedings, the Court will order an answer to Petitioner's petition. In addition, the Court will substitute the warden of Petitioner's detention facility as the properly-named Respondent in this proceeding. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) (explaining that the proper respondent to a habeas petition is the person who has custody over the petitioner).

IT IS THEREFORE ORDERED that the Clerk is directed to substitute Ray Terry, Warden as the sole Respondent in this matter;

IT IS FURTHER ORDERED that the Clerk shall forward copies of this Order to Respondent Ray Terry, Warden at Otero County Processing Center, 26 McGregor Range Rd., Chaparral, N.M. 88081, and to the United States Attorney for the District of New Mexico, with copies of the *Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241* (Doc. 1) and all supporting papers and exhibits thereto, if any;

IT IS FURTHER ORDERED that the Respondent Terry shall answer Petitioner's *Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241* (Doc. 1) within **twenty-three days** from entry of this Order.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE